

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRUCE EVERETT GAMBILL,

Plaintiff,

V.

DAVID M. HOWE, et. al,

Defendants.

CASE NO. C13-5052 BHS

ORDER DENYING MOTION TO
PROCEED IN FORMA
PAUPERIS

This matter comes before the Court on Plaintiff's Bruce Everett Gambill's

(“Gambill”) application to proceed in forma pauperis (IFP) (Dkt. 2). Gambill has filed an appeal with the Bankruptcy Appellate Panel (BAP) for the Ninth Circuit. The BAP transferred Gambill’s motion to proceed IFP and other documents to this Court for the sole purpose of deciding whether Gambill may proceed IFP. Dkt. 1-1 at 2. The Court has considered the pleadings filed in support of the motion and the remainder of the file and hereby denies the motion for the reasons stated herein.

The district court may permit indigent litigants to proceed in forma pauperis upon completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). However, the

1 “privilege of pleading in forma pauperis . . . in civil actions for damages should be
2 allowed only in exceptional circumstances.” *Wilborn v. Escalderon*, 789 F.2d 1328 (9th
3 Cir. 1986). Moreover, the court has broad discretion in denying an application to proceed
4 in forma pauperis. *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963), *cert. denied* 375 U.S.
5 845 (1963).

6 In this case, Gambill has failed to show that he is entitled to proceed in forma
7 pauperis. While his motion indicates that he cannot afford to meet his necessary living
8 expenses and pay the filing fees and surcharges imposed by the BAP, it does not include
9 the required financial documentation demonstrating that he is indigent. *See* Dkt. 2.
10 Therefore, this Court is unable to determine whether Gambill is indigent such that he
11 qualifies for IFP status.

12 It is hereby **ORDERED** that Gambill’s application to proceed IFP (Dkt. 2) is
13 **DENIED**. The Clerk is directed to send Gambill a new application to proceed in forma
14 pauperis, which Gambill must complete and file with the Court by February 11, 2013.
15 Otherwise, his case will be dismissed without prejudice.

16 Dated this 25th day of January, 2013.

17
18
19 
BENJAMIN H. SETTLE
United States District Judge
20
21
22